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GROUP 1600

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Appln. Ser. No.:	Filed:	Inventor(s):	Atty Dkt:
09/576,597	22 May 2000	J.J. Voorhees	100UM-009A (1718-009A)
Title: Compositions and Methods for Use Against Acne-Induced Inflammation and Dermal Matrix-Degrading Enzymes			
Examiner: V. Kim			Art Unit: 1614

#17  
Supp  
9-29-02

Asst. Comm'r for Patents  
Washington, D.C. 20231-0001

2 Pages Total VIA FACSIMILE  
703-872-9306

## RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In complete and timely response to the Office Action mailed 22 August 2002 (22 September being a Sunday), Applicants elect, with traverse, to prosecute the claims directed to the species being genistein and the compound being a retinoid, used together in the claimed combination.

The communication alleges that MPEP 803.02 states that distinct Markush species are independent inventions. To the contrary, 803.02 first states that if the species in the Markush group are sufficiently small in number so that search of the entire claim can be made without serious burden, then all members of the Markush group "must" be examined even if the species are directed to independent and distinct inventions. As genistein and quercetin are structurally related, and the Markush group consists of only two compounds, it would seem

that both genistein and quercetin could be examined together without serious burden.

Respectfully submitted,



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23 September 2002

**CERTIFICATE OF MAILING OR  
TRANSMISSION – 37 CFR 1.8**

I hereby certify that I have a reasonable basis that this paper, along with any referred to above, (i) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, or (ii) are being transmitted to the U.S. Patent & Trademark Office in accordance with 37 CFR § 1.6(d).

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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